

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

E.P.,

Plaintiff,

v.

TEHACHAPI UNIFIED SCHOOL
DISTRICT, *et al.*

Defendants.

Case No. 1:23-cv-01724-JLT-CDB

ORDER DIRECTING PLAINTIFF TO FILE A
MOTION FOR APPOINTMENT OF GUARDIAN
AD LITEM FOR MINOR E.P.

February 21, 2024, Deadline

The complaint filed in this action represents that Plaintiff E.P. (“Plaintiff”) seeks for Michel Hernandez-Disla to proceed as guardian ad litem. (Doc. 1 at ¶ 3). Pursuant to Local Rule 202,

Upon commencement of an action or upon initial appearance in defense of an action by or on behalf of a minor or incompetent person, the attorney representing the minor or incompetent person shall present (1) appropriate evidence of the appointment of a representative for the minor or incompetent person under state law or (2) a motion for the appointment of a guardian ad litem by the Court, or, (3) a showing satisfactory to the Court that no such appointment is necessary to ensure adequate representation of the minor or incompetent person.

L.R. 202(a) (citing Fed. R. Civ. P. 17(c)). Here, while the complaint indicates a guardian ad litem is appropriate for E.P., Plaintiff has not filed any motion for the required appointment. Because the claims of E.P. may only be brought “by a next friend or a guardian ad litem,” a guardian must be appointed to protect the minor’s interests. *See* Fed. R. Civ. P. 17(c)(2).

1 Accordingly, IT IS HEREBY ORDERED Plaintiff shall file a motion for the appointment of a
2 guardian ad litem for minor Plaintiff E.P consistent with Fed. R. Civ. P. 17 and Eastern District Local
3 Rule 202 no later than February 21, 2024.

4
5 IT IS SO ORDERED.

6 Dated: February 14, 2024


UNITED STATES MAGISTRATE JUDGE